

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>YINA A. MORETA MEJIA,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:16-2558</b>
<b>v.</b>	:	<b>(MANNION, D.J.)</b>
<b>NANCY A. BERRYHILL<sup>1</sup>,</b>	:	
<b>Defendant</b>	:	

**ORDER**

Pending before the court is the report of Chief Magistrate Judge Susan E. Schwab, which recommends that the plaintiff's request for a new administrative hearing be denied and the Commissioner's decision denying the plaintiff's application for DIB and SSI benefits be affirmed. (Doc. 21). Neither party has filed objections to Judge Schwab's report.

When no objections are filed to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether

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<sup>1</sup>On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn W. Colvin, Acting Commissioner of Social Security, as the defendant in this suit.

timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Schwab in support of her recommendation. Because the court agrees with the sound reasoning that led Judge Schwab to the conclusions in her report and finds no clear error on the face of the record, the court will adopt the report in its entirety.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

- (1)** The report and recommendation of Judge Schwab, **(Doc. 21)**, is **ADOPTED IN ITS ENTIRETY**.
- (2)** The plaintiff's request for a new administrative hearing, **(Doc. 1)**, is **DENIED**.
- (3)** The decision of the Commissioner denying the plaintiff's applications for DIB and SSI is **AFFIRMED**.
- (4)** The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: December 10, 2018**

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